

Enrolled
Senate Bill 1566

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D.)

CHAPTER

AN ACT

Relating to the State Workforce Investment Board; creating new provisions; amending ORS 657.730, 660.300, 660.312, 660.321, 660.324 and 660.327; repealing ORS 660.303, 660.306, 660.309 and 660.315; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The Legislative Assembly finds that a robust and effective workforce system is necessary to produce a highly skilled workforce, to advance more Oregonians into family wage jobs and to help Oregon businesses compete in a global economy. Therefore, the Legislative Assembly declares that it is the policy of this state to promote the coordinated provision of education, employment, economic development and job training to:

- (1) Develop a workforce system that is flexible, accountable, outcome-focused and data-driven;**
- (2) Meet the needs of employers for skilled, committed and innovative employees;**
- (3) Deliver an effective, efficient, highly integrated and responsive workforce system;**
- (4) Offer services;**
- (5) Ensure equity in program access, services and outcomes for populations that have historically experienced high levels of unemployment, underemployment and poverty;**
- (6) Provide greater economic security and grow a more inclusive and dynamic economy;**
- (7) Support the economic health of local communities throughout this state with workforce solutions that meet community needs and advance the prosperity of Oregonians and Oregon-based businesses;**
- (8) Build on the WorkSource Oregon network of state workforce agencies, local workforce investment boards, public and private secondary and post-secondary institutions of education and other public and private partners to deliver a comprehensive, robust and outcome-oriented array of services to unemployed and underemployed individuals and to businesses seeking employees; and**
- (9) Support the achievement of Oregon’s 40-40-20 goal in conjunction with the education system and private industry to ensure that more Oregonians may access opportunities to gain skills and earn credentials to support their employment goals.**

SECTION 2. ORS 660.300 is amended to read:

660.300. As used in ORS 660.300 to 660.364:

- (1) “Chief elected official” means a county commissioner, a county judge or the mayor of the City of Portland.**

- (2) “Department” means the Department of Community Colleges and Workforce Development.
- (3) “Federal Act” or “federal Workforce Investment Act” means the federal Workforce Investment Act of 1998 (enacted as P.L. 105-220 and codified as 29 U.S.C. 2801 et seq.).
- (4) “Local workforce investment area” means the City of Portland or a county when the city or county has been designated as a local workforce investment area under ORS 660.324. “Local workforce investment area” may include two or more counties that have joined together to form a local workforce investment area and that have been designated as a local workforce investment area under ORS 660.324.
- (5) “Local workforce investment board” means a board established pursuant to section 2832 of the federal Workforce Investment Act of 1998.
- (6) “Participant” means a person receiving services under Title I-B of the federal Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).
- (7) “Participant records” means records relating to matters such as grades, conduct, personal and academic evaluations, results of psychometric testing, counseling, disciplinary actions, if any, and other personal matters.
- (8) “State workforce agencies” means state agencies that administer workforce programs.**
- [8] (9) “Title I-B” means the adult, dislocated worker and youth programs delivered under the federal Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).
- (10) “Workforce development” means services designed to help individuals attain employment and progress along career pathways and to help businesses better achieve business goals by more easily finding skilled employees. “Workforce development” includes:**
- (a) Education, training and apprenticeship services;**
 - (b) Labor market analysis;**
 - (c) Employment and reemployment services;**
 - (d) Employee recruitment and retention services; and**
 - (e) Convening, coordinating, oversight and evaluation services for business and state workforce agencies.**
- (11) “Workforce programs” means programs that have a primary mission of helping individuals become employed, retain employment, increase wages and progress along career pathways and that are responsible for outcomes related to the primary mission.**

SECTION 3. ORS 660.312, as operative until July 1, 2014, is amended to read:

660.312. (1) The Governor shall be responsible for a coordinated and comprehensive response to education and workforce issues. The Governor shall appoint an Education and Workforce Policy Advisor, who serves at the pleasure of the Governor. The advisor shall, with the advice of such advisory committees as may be appointed or assigned, advise the Governor on policy, planning and coordination for education and workforce development in Oregon.

- (2) The duties of the advisor shall include:
- (a) Guiding the development of state-level policy related to education and workforce issues;
 - (b) Providing general direction and serving as a liaison between state and local efforts in education, training and workforce development;
 - (c) Ensuring, through collaboration with the leadership of local workforce investment boards, [and regional workforce committees,] the alignment of statewide[, local and regional] **and local** strategic plans, and the periodic reporting of performance in the implementation of such plans; and
 - (d) Consulting with local workforce investment boards [and regional workforce committees] on the development and implementation of a workforce performance measurement system.

(3) In the performance of duties, the advisor shall collectively involve state agencies, including but not limited to:

- (a) The Department of Education;
- (b) The Oregon University System;
- (c) The Oregon Business Development Department;
- (d) The Department of Community Colleges and Workforce Development;

- (e) The Employment Department;
- (f) The Department of Human Services;
- (g) The Bureau of Labor and Industries;
- (h) The Department of Corrections; **and**
- (i) The Oregon Student Access Commission[; *and*].

[(j) *The Teacher Standards and Practices Commission.*]

(4) The advisor shall seek input from key interested parties to help guide policy development, including but not limited to representatives of:

- (a) Businesses and industry organizations;
- (b) Labor and labor organizations;
- (c) Local education providers;
- (d) Local government;
- (e) Student, teacher, parent and faculty organizations;
- (f) Community-based organizations;
- (g) Public-private partnership organizations;
- (h) Independent nonprofit and proprietary post-secondary colleges and schools; and
- (i) [*Regional workforce committees,*] **The State Workforce Investment Board and** local workforce investment boards [*and regional investment boards*].

(5) The advisor shall meet, on a regularly scheduled basis, with the local workforce investment boards[, *regional workforce committees*] and such others as necessary to ensure that local interests are represented. The advisor shall seek input, advice and feedback on policy issues affecting state[, *regional*] and local education and workforce development from interested parties and [*other committees formed under ORS 660.306, 660.312 and 660.315*] **any advisory committees appointed or assigned under this section.**

(6) Pursuant to ORS chapter 183, the advisor may adopt rules necessary to carry out the duties of the advisor.

SECTION 4. ORS 660.312 is amended to read:

660.312. (1) The Governor shall be responsible for a coordinated and comprehensive response to education and workforce issues. The Governor shall appoint an Education and Workforce Policy Advisor, who serves at the pleasure of the Governor. The advisor shall, with the advice of such advisory committees as may be appointed or assigned, advise the Governor on policy, planning and coordination for education and workforce development in Oregon.

(2) The duties of the advisor shall include:

- (a) Guiding the development of state-level policy related to education and workforce issues;
- (b) Providing general direction and serving as a liaison between state and local efforts in education, training and workforce development;
- (c) Ensuring, through collaboration with the leadership of local workforce investment boards, [*and regional workforce committees,*] the alignment of statewide[, *local and regional*] **and local** strategic plans, and the periodic reporting of performance in the implementation of such plans; and
- (d) Consulting with local workforce investment boards [*and regional workforce committees*] on the development and implementation of a workforce performance measurement system.

(3) In the performance of duties, the advisor shall collectively involve state agencies, including but not limited to:

- (a) The Department of Education;
- [(b) *The Oregon University System;*]
- (b) The Higher Education Coordinating Commission;**
- (c) The Oregon Business Development Department;
- (d) The Department of Community Colleges and Workforce Development;
- (e) The Employment Department;
- (f) The Department of Human Services;
- (g) The Bureau of Labor and Industries;
- (h) The Department of Corrections; **and**

[(i) *The Teacher Standards and Practices Commission; and*]

[(j) (i) The public universities with governing boards listed in ORS 352.054.

(4) The advisor shall seek input from key interested parties to help guide policy development, including but not limited to representatives of:

(a) Businesses and industry organizations;

(b) Labor and labor organizations;

(c) Local education providers, **community colleges and other public and private post-secondary institutions of education and their governing boards;**

(d) Local government;

(e) Student, teacher, parent and faculty organizations;

(f) Community-based organizations;

(g) Public-private partnership organizations;

(h) Independent nonprofit and proprietary post-secondary colleges and schools; and

(i) [*Regional workforce committees,*] **The State Workforce Investment Board and local workforce investment boards** [*and regional investment boards*].

(5) The advisor shall meet, on a regularly scheduled basis, with the local workforce investment boards[, *regional workforce committees*] and such others as necessary to ensure that local interests are represented. The advisor shall seek input, advice and feedback on policy issues affecting state[, *regional*] and local education and workforce development from interested parties and [*other committees formed under ORS 660.306, 660.312 and 660.315*] **any advisory committees appointed or assigned under this section.**

(6) Pursuant to ORS chapter 183, the advisor may adopt rules necessary to carry out the duties of the advisor.

SECTION 5. ORS 660.321 is amended to read:

660.321. (1) A State Workforce Investment Board shall be created under section 2821(b) and (c) of the Workforce Investment Act of 1998 to assist in the development of the State Unified Workforce Plan established under ORS 660.324 and to carry out the other functions described by the federal Act.

(2) The membership of the board must be in accordance with the requirements of section 2821(b) of the federal Act.

(3) Representatives of business described in section 2821(b)(1)(C)(i) of the federal Act who are appointed to the board must be confirmed by the Senate in the manner prescribed under ORS 171.562 and 171.565.

(4) The Governor shall select a chairperson in accordance with the requirements of section 2821(c) of the federal Act.

(5) The Governor shall appoint one member who is a representative of a local workforce investment board.

[(5)] (6) A majority of the board must be representatives of business, as described in section 2821(b)(1)(C)(i) of the federal Act.

[(6)] (7) Members of the Legislative Assembly appointed to the board are nonvoting members of the board and may act in an advisory capacity only.

[(7)] (8) To transact business at a meeting of the board, a quorum of voting members must participate. A quorum consists of a majority of the voting members. At least 25 percent of the members participating must be representatives of business, as described in section 2821(b)(1)(C)(i) of the federal Act.

[(8)] (9) Members of the board are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided for in ORS 292.495.

SECTION 6. ORS 660.324 is amended to read:

660.324. (1) The State Workforce Investment Board shall develop and submit to the Governor a single, unified state plan that outlines a strategy, with quantitative goals, for the statewide workforce investment system for the State of Oregon in accordance with section 2821 of the federal

Workforce Investment Act of 1998. **In addition, the state plan must convey the expectations for performance and the priorities for delivery of services to local workforce investment boards and state workforce agencies.** Upon the Governor's approval of the state plan, the Governor shall cause the State Unified Workforce Plan to be delivered to the Legislative Assembly.

(2) The board shall develop and include in the state plan goals designed to promote Oregonians' self-sufficiency. In addition to requirements under the federal Act regarding wage and other goals, the state plan shall include quantifiable goals that will empower Oregonians to gain independence from public assistance and move up the socioeconomic ladder.

(3) The board shall assist the Governor in:

(a) Developing Oregon's workforce investment system;

(b) Ensuring timely consultation and collaboration with chief elected officials, local workforce investment boards and other workforce stakeholders, including but not limited to business and labor organizations **and organizations working with persons with disabilities, persons living at or below 100 percent of the federal poverty guidelines and the chronically unemployed and underemployed;**

(c) Reviewing **and approving** local workforce plans;

(d) Developing, as required by the federal Act, allocation formulas for the distribution of funds to local workforce investment areas for adult employment and training activities and for youth activities that are developed by the local workforce investment boards;

(e) Working with local workforce investment boards to increase efficiencies and align workforce programs and services with local needs;

[(e)] **(f)** Recommending the duties and responsibilities of state agencies to implement the federal Act, to avoid conflicts of interest and to capitalize on the experience developed by workforce partners [who] **that** are efficient and effective at meeting the requirements of the federal Act;

[(f)] **(g)** Participating in the development of a coordinated statewide system of activities and services that includes both mandatory and optional partners of the one-stop delivery system, as provided in the federal Act;

[(g)] **(h)** Providing for the development, accountability and continuous improvement of comprehensive workforce performance measures to assess the effectiveness of the workforce investment activities in this state;

[(h)] **(i)** Developing a statewide employment statistics system, as described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49L-2(e)); and

[(i)] **(j)** Preparing an annual report and submitting it to the United States Department of Education, the United States Department of Health and Human Services and the United States Department of Labor.

(4) The **State Workforce Investment** Board, in partnership with the Governor, shall establish criteria for use by chief elected officials in appointing members to local workforce investment boards in accordance with the requirements of section 2832 of the federal Workforce Investment Act of 1998. The **State Workforce Investment** Board shall establish the following requirements:

(a) To transact business at a meeting of a local workforce investment board, a quorum of members must participate. A quorum shall consist of a majority of the members. At least 25 percent of the members participating must be representatives of business, as described in section 2821(b)(1)(C)(i) of the federal Act.

(b) When appropriate and upon a request from the chief elected official of a county or the City of Portland, the State Workforce Investment Board shall consider the county or the City of Portland to be a candidate for designation as a local workforce investment area. The board shall consult with the county or the City of Portland before designating it as a local workforce investment area. After considering the criteria in section 2831 of the federal Act for designating local workforce investment areas, chief elected officials may submit a request to the board to combine their units of government into a local workforce investment area. The board shall make recommendations to the Governor about the designation of local workforce investment areas. Only the Governor may designate local workforce investment areas. The Governor must show just cause for not designating a requested

local workforce investment area. A county or the City of Portland may submit an appeal to the board, as provided in section 2831 of the federal Act, if the Governor does not grant the county's or the city's request to designate a local workforce investment area.

(5) The **State Workforce Investment Board** shall provide guidance and direction to local workforce investment boards in the development of local workforce plans. The State Workforce Investment Board shall adopt policies that:

(a) Require each local workforce investment board, in partnership with its chief elected officials and in accordance with section 2833 of the federal Act, to develop and submit to the Governor and the **State Workforce Investment Board** a strategic local workforce plan that includes, but is not limited to, performance goals; and

(b) Permit each local workforce investment board, in consultation with its chief elected officials:

(A) To determine, consistent with the requirements of the federal Act, the appropriate level of services based on the workforce needs in the local workforce investment area; and

(B) To certify local one-stop operators.

(6) The State Workforce Investment Board shall:

(a) Function as the primary advisory committee to the Employment Department in conjunction with the Employment Department Advisory Council established under ORS 657.695;

(b) Collaborate with other advisory bodies also tasked with workforce development, including but not limited to the Oregon State Rehabilitation Council, the Commission for the Blind, the State Apprenticeship and Training Council and the Higher Education Coordinating Commission;

(c) Work with the Oregon Education Investment Board and the Oregon Business Development Commission to identify areas of common interest to efficiently align resources, recommend common strategies and provide accountability for reaching statewide goals; and

(d) Hold state workforce agencies and local workforce investment boards accountable for meeting performance goals and system outcomes.

(7) The State Workforce Investment Board may charter and enter into performance compacts with the local workforce investment boards.

SECTION 7. ORS 660.327 is amended to read:

660.327. [(1)] In accordance with section 2832 of the federal Act, each local workforce investment board shall:

[(a)] **(1) Consistent with section 2833 of the federal Act, in partnership with the chief elected official for the local area involved, develop and submit a local plan to the Governor. The local plan must:**

(a) Be developed by the local workforce investment board with local workforce partners;

(b) Identify strategies and outcomes that the local workforce investment board will implement in the local workforce investment area;

(c) Make all parties to the local plan accountable for carrying out the strategies and achieving the outcomes identified in the local plan; and

(d) Be submitted to and approved by the State Workforce Investment Board.

[(b)] **(2) Consistent with section 2841(d) of the federal Act, with the agreement of the chief elected official, designate or certify one-stop operators as described in section 2841(d)(2)(A) of the federal Act and may terminate for cause the eligibility of such operators.**

[(c)] **(3) Consistent with section 2843 of the federal Act, identify eligible providers of youth activities in the local area and award grants or contracts on a competitive basis to those providers, based on recommendations of a youth council.**

[(d)] **(4) Consistent with section 2842 of the federal Act, identify eligible providers of training services described in section 2864(d)(4) of the federal Act.**

[(e)] **(5) Subject to the approval of the chief elected official, develop a budget for the purpose of carrying out the duties of the local workforce investment board under section 2832 of the federal Act.**

[(f)] (6) In partnership with the chief elected official, provide oversight of local programs of youth activities authorized under section 2854 of the federal Act, local employment and training activities authorized under section 2864 of the federal Act and the one-stop delivery system in the local area.

[(g)] (7) With the chief elected official and the Governor, negotiate and reach agreement on local performance measures as described in section 2871(c) of the federal Act.

[(h)] (8) Coordinate the workforce investment activities authorized under the federal Act and carried out in the local area with economic development strategies and develop other employer linkages with such activities.

[(i)] (9) Promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision, through the system, of connecting, brokering and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs.

[(2) *In order to maintain the statewide workforce investment system that consists of regional workforce committees and to meet the requirements of the federal Act:*]

[(a) *A local workforce investment board representing a local workforce investment area according to the Governor's designation pursuant to section 2831 of the federal Act meets the requirements of a regional workforce committee under ORS 660.315.*]

[(b) *A strategic plan submitted by a local workforce investment board pursuant to section 2833 of the federal Act meets the strategic plan requirement for the workforce region in ORS 660.315.*]

SECTION 8. ORS 657.730 is amended to read:

657.730. (1) As used in this section, unless the context requires otherwise:

(a) "Labor market analysis" means the measurement and evaluation of economic forces as they relate to the employment process in the local labor market area. Variables affecting labor market relationships include, but are not limited to, such factors as labor force changes and characteristics, population changes and characteristics, occupational and industrial structure and development, technological developments, shifts in consumer demand, volume and extent of unionization and trade disputes, recruitment practices, wage levels, conditions of employment and training opportunities.

(b) "Labor market area" means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such areas shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the United States Department of Labor in defining such areas or similar criteria established by the Director of the Employment Department. The area generally takes the name of its community. The boundaries depend primarily on economic and geographic factors. The State of Oregon is divided into labor market areas, which usually include a county or group of contiguous counties.

(c) "Labor market information" means the body of information generated from measurement and evaluation of the socioeconomic factors and variables influencing the employment process in the state and specific labor market areas. These socioeconomic factors and variables affect labor demand and supply relationships and include:

(A) Labor force information, which includes but is not limited to employment, unemployment, labor force participation, labor turnover and mobility, average hours and earnings and changes and characteristics of the population and labor force within specific labor market areas and the state;

(B) Occupational information, which includes but is not limited to occupational supply and demand estimates and projections, characteristics of occupations, wage levels, job duties, training and education requirements, conditions of employment, unionization, retirement practices and training opportunities;

(C) Economic information, which includes but is not limited to number of business starts and stops by industry and labor market area, information on employment growth and decline by industry and labor market area, employer establishment data and number of union disputes and strikes by industry and labor market area; and

(D) Program information, which includes but is not limited to program participant or student information gathered in cooperation with other state and local agencies along with related labor market information to evaluate the effectiveness, efficiency and impact of state and local employment, training, education and job creation efforts in support of planning, management, implementation and evaluation.

(2) The Director of the Employment Department shall have the following duties:

(a) Oversight, operation and management of a statewide comprehensive labor market and occupational supply and demand information system, including development of a five-year employment forecast for state and labor market areas.

(b) Preparation of local labor market information packages for the state's [*regional workforce committees*] **workforce system**, including special studies and job impact analyses in support of state and local employment, training, education and job creation programs, especially activities that prevent job loss, reduce unemployment and create jobs.

(c) Coordination with other appropriate **public** agencies to improve employment estimates by enhancing data on corporate officers, improving business establishment listings, expanding samples for employment estimates and developing business entry or exit analysis relevant to the generation of occupational and economic forecasts.

(d) Production of long-term and occupational employment forecasts in cooperation with other appropriate agencies.

(e) Coordination with [*other*] state **workforce** agencies **as defined in ORS 660.300** to study ways to standardize federal and state multiagency administrative records, such as unemployment insurance information and other information to produce employment, training, education and economic analysis needed to improve labor market information products and services.

(f) Production of labor market information and economic analysis needed to facilitate the efficient and effective matching of the supply and demand of labor critical to an effective labor exchange in Oregon. Information collected will be coordinated with other public agencies through cooperative data collection efforts for statistical analysis, research or studies including, but not limited to, agricultural labor supply and demand, high performance organizations, targeted industries programs, and industrial improvement and expansion.

(g) Administration of other appropriate labor market information activities **including support of efforts by local workforce investment boards, as defined in ORS 660.300, to align economic development, education and training with workforce development investments and services for job seekers and businesses to efficiently address local labor market needs and statewide workforce development priorities.**

(3) To implement this section, the director shall have authority to:

(a) Establish rules and procedures to recover reasonable costs incurred in producing and providing:

(A) Labor market information products developed by the Employment Department in the ordinary course of business when the request results in costs over and above the ordinary costs of production including, but not limited to, special publication runs, photocopying or supplying the copy in some other medium; and

(B) Special labor market information products in response to individual requests that incur costs beyond the ordinary costs of doing business including, but not limited to, computer time, staff costs, preparation and distribution of surveys, electronic scanning, and special data collection, formatting and analysis. The director may enter into agreements with other public agencies to provide special labor market information products in a quid pro quo arrangement.

(b) Receive federal set aside funds from federal programs that are authorized to fund state and local labor market information and are required to use such information in support of their programs.

(c) Enter into agreements for statistical analysis, research or evaluation studies of privately and publicly funded employment, training, education and economic development programs.

SECTION 9. Section 1 of this 2014 Act is added to and made a part of ORS 660.300 to 660.364.

SECTION 10. ORS 660.303, 660.306, 660.309 and 660.315 are repealed.

SECTION 11. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

Passed by Senate February 18, 2014

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House February 25, 2014

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2014

Approved:

.....M.,....., 2014

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2014

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Kate Brown, Secretary of State